UNITED STATES BANKRUPTCY COURT FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

IN RE: VITO A. FESLER and : CHAPTER 13

TONI L. FESLER,

AKA TONI L. CARUCCI,

Debtors

:

JACK N. ZAHAROPOULOS,

STANDING CHAPTER 13 TRUSTEE,

Movant

:

VS.

:

VITO A. FESLER and

TONI L. FESLER,

AKA TONI L. CARUCCI,

Respondents : CASE NO. 5:24-bk-03153-MJC

TRUSTEE'S OBJECTION TO SECOND AMENDED CHAPTER 13 PLAN

AND NOW, this 16th of July 2025, comes Jack N. Zaharopoulos, Standing Chapter 13 Trustee, by and through his attorney Agatha R. McHale, Esquire, and objects to the confirmation of the above-referenced Debtors' Plan for the following reasons:

- 1. Debtors' Plan violates 11 U.S.C. § 1325(a)(4) in that the value of property to be distributed under the Plan on account of each allowed unsecured claim is less than the amount that would be paid on such claim if the estate were liquidated under Chapter 7. More specifically, Debtors have excess non-exempt equity in the following:
 - a. Property held as tenants by the entireties to the extent of joint claims. Consolidated Edison Company of New York, Inc. filed a joint claim, which must be specifically provided for in the Plan in part 4.A. and paid in full.
 - 2. Trustee avers that Debtors' Plan is not feasible based upon the following:
 - a. The Plan is inconsistent with Proofs of Claim filed and/or approved by the Court. Santander Consumer USA, Inc. filed a claim with arrears of \$1,714.25, and the Plan has \$712.26.

WHEREFORE, Trustee alleges and avers that Debtors' Plan cannot be confirmed, and therefore, Trustee prays that this Honorable Court will:

- a. deny confirmation of Debtors' Plan;
- b. dismiss or convert Debtors' case; and
- c. provide such other relief as is equitable and just.

Respectfully submitted:

Jack N. Zaharopoulos Standing Chapter 13 Trustee 8125 Adams Drive, Suite A Hummelstown, PA 17036 (717) 566-6097

BY: /s/ Agatha R. McHale, Esquire
Attorney for Trustee

CERTIFICATE OF SERVICE

AND NOW, this 16th day of July 2025, I hereby certify that I have served the within Objection by electronically notifying parties or by depositing a true and correct copy of the same in the United States Mail at Hummelstown, Pennsylvania, postage prepaid, first-class mail, addressed to the following:

Timothy B. Fisher, II, Esquire Fisher and Fisher Law Offices P.O. Box 396 Gouldsboro, PA 18424

/s/ Derek M. Strouphauer, Paralegal
Office of Jack N. Zaharopoulos
Standing Chapter 13 Trustee